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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7260 of 2007

PETITIONER Ramdas Chauhan aged 58 years, S/o Shri Shiv Pujan Chauhan, Posted at Primary School, Nardha, Dhamdha Block, District Durg(CG), R/o Qr. No. 355, Housing Board Kohka, Bhilai, District Durg(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : Upper Chief Secretary, Education Department D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer, Durg Division. Durg(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anurag Jha, counsel for the petitioner.

Shri Pradeep Singh, Panel Lawyer, for the State/ respondents on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Assistant Teacher, has been transferred from Primary School Nardha, Block Dhamdha, District Durg to Middle School, Sindhori, Block Berla, District Durg on administrative grounds.

Learned counsel for the petitioner argues that the petitioner is aged about 58 years and he is suffering from many ailments, therefore, it would be difficult for him to go to the transferred place. He also argues that the order has been passed in mid-session; therefore, it is not in accordance with the transfer policy of the Government.

I have considered the points raised by learned counsel for the petitioner.

As far as the point of mid-session is concerned, the order has been passed on 21.9.2007, therefore, it cannot be said that it is passed in mid-session. About the advanced age and ailment of the petitioner,

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it can only be said that these are not the grounds to interfere with the order of transfer by a Court of law, issued by the competent authority.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rule or the Act, it cannot be interfered with by a Court of Law.

Learned counsel for the petitioner could not point out any ground of malafide, or extraneous considerations or that the order has been passed against any Statutory Rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on these grounds.

The petition has no merits. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Sumita